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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

WILLIAM A. OKERBLOM, M.D.

Physician's and Surgeon's
Certificate No. G 49571

Respondent.

File No: 08-1997-78954

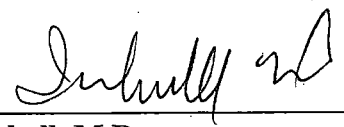
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on December 10, 1999.

DATED November 10, 1999.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA


Ira Lubell, M.D.
Chair, Panel A

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, Supervising
Deputy Attorney General
3 STEPHEN M. BOREMAN
Deputy Attorney General
4 1300 I Street, Suite 125
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6 Attorneys for Complainant
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9 **BEFORE THE**
10 **DIVISION OF MEDICAL QUALITY**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:)

Case No. 08-1997-78954

13 **WILLIAM A. OKERBLOM, M.D.**)

14 2009 South Miller Street)
Santa Maria, CA 93454)

15 Physician and Surgeon's)
Certificate No. G-49571,)

16 Respondent.)
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STIPULATED SETTLEMENT
AND
DISCIPLINARY ORDER

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are true:

20 1. An Accusation in Case No. 08-1997-78954 was filed with the Division of
21 Medical Quality, of the Medical Board of California Department of Consumer Affairs (the
22 "Division") on May 7, 1999, and is currently pending against William A. Okerblom, M.D.
23 ("respondent").

24 2. The Accusation, together with all statutorily required documents, was duly
25 served on the respondent on or about May 11, 1999, and respondent filed a timely Notice of
26 Defense contesting the Accusation. A copy of Accusation No. 08-1997-78954 is attached as
27 Exhibit "A" and hereby incorporated by reference as if fully set forth.

1 3. The Complainant, Ronald Joseph, is the Executive Director of the Medical
2 Board of California and brought this action solely in his official capacity. The Complainant is
3 represented by the Attorney General of California, Bill Lockyer, by and through Deputy Attorney
4 General Stephen M. Boreman.

5 4. The respondent is representing himself in this matter.

6 5. The respondent has been fully apprized of, and fully understands the
7 charges contained in Accusation No. 08-1997-78954, and the respondent has been fully advised
8 of, and fully understands his legal rights and the effects of this stipulation.

9 6. At all times relevant herein, respondent has been licensed by the Medical
10 Board of California under Physician and Surgeon's Certificate No. G-49571, which certificate is
11 currently suspended.

12 7. Respondent understands the nature of the charges alleged in the
13 Accusation and that, if proven at hearing, the charges and allegations would constitute cause for
14 imposing discipline upon his certificate. Respondent is fully aware of his right to a hearing on
15 the charges contained in the Accusation, his right to confront and cross-examine witnesses
16 against him, his right to the use of subpoenas to compel the attendance of witnesses and the
17 production of documents in both defense and mitigation of the charges, his right to
18 reconsideration, appeal and any and all other rights accorded by the California Administrative
19 Procedure Act and other applicable laws. Respondent knowingly, voluntarily and irrevocably
20 waives and give up each of these rights.

21 8. Respondent admits that the Division could provide proof at hearing to
22 sustain the allegations in Accusation No. 08-1997-78954, and agrees that respondent has thereby
23 subjected his certificate to discipline pursuant to Business and Professions Code section 2239
24 and restriction of practice pursuant to Code section 822. Respondent agrees to be bound by the
25 Division's Disciplinary Order as set forth below.

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1 9. The admissions made by respondent herein are for the purpose of settling
2 this proceeding and for any other proceedings in which the Division of Medical Quality, Medical
3 Board of California, or other professional licensing agency is involved, and shall not be
4 admissible in any other criminal or civil proceedings.

5 10. Respondent acknowledges that he shall not be permitted to withdraw from
6 this stipulation unless it is rejected by the Medical Board of California, Division of Medical
7 Quality.

8 11. Based on the foregoing admissions and stipulated matters, the parties agree
9 that the Division shall, without further notice or formal proceeding, issue and enter the following
10 order:

11 **DISCIPLINARY ORDER**

12 **IT IS HEREBY ORDERED** that Physician and Surgeon's Certificate No.
13 G-49571 issued to William A. Okerblom, M.D. is revoked. However, the revocation is stayed
14 and respondent is placed on probation for a period of seven (7) years. Within 15 days after the
15 effective date of this decision the respondent shall provide the Division, or its designee, proof of
16 service of a true copy of this decision on the Chief of Staff or the Chief Executive Officer at
17 every hospital where privileges or membership are extended to respondent or where respondent
18 is employed to practice medicine and on the Chief Executive Officer at every insurance carrier
19 where malpractice insurance coverage is extended to respondent.

20 1. **PSYCHOTHERAPY.** Within 60 days of the effective date of this
21 decision, the Division or its designee shall provide to respondent a list of three, pre-approved
22 psychotherapists in respondent's community, and respondent shall thereupon indicate his choice
23 of psychotherapist from among the three. Upon selection and submission of the name of the
24 approved psychotherapist to the Division or its designee, respondent shall undergo and continue
25 treatment until the Division or its designee deems that no further psychotherapy is necessary.
26 Respondent shall have the treating psychotherapist submit quarterly status reports to the Division
27 or its designee. The Division or its designee may require respondent to undergo psychiatric

1 evaluations by a Division-appointed psychiatrist. The respondent shall pay the cost of therapy
2 and evaluations.

3 2. **BIOLOGICAL FLUID TESTING.** Respondent shall submit to
4 biological fluid testing, at respondent's cost, upon the request of the Division or its designee.

5 3. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local
6 laws, all rules governing the practice of medicine in California, and remain in full compliance
7 with any court ordered criminal probation, payments and other orders.

8 4. **QUARTERLY REPORTS.** Respondent shall submit quarterly
9 declarations under penalty of perjury on forms provided by the Division, stating whether there
10 has been compliance with all the conditions of probation.

11 5. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE.**
12 Respondent shall comply with the Division's probation surveillance program. Respondent shall,
13 at all times, keep the Division informed of his addresses of business and residence which shall
14 both serve as addresses of record. Changes of such addresses shall be immediately
15 communicated in writing to the Division. Under no circumstances shall a post office box serve
16 as an address of record. Respondent shall also immediately inform the Division, in writing, of
17 any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to
18 last, more than thirty (30) days.

19 6. **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**
20 **DESIGNATED PHYSICIAN(S).** Respondent shall appear in person for interviews with the
21 Division, its designee or its designated physician(s) upon request at various intervals and with
22 reasonable notice.

23 7. **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
24 **IN-STATE NON-PRACTICE.** In the event respondent should leave California to reside or to
25 practice outside the State or for any reason should respondent stop practicing medicine in
26 California, respondent shall notify the Division or its designee in writing within ten (10) days of
27 the dates of departure and return or the dates of non-practice within California. Non-practice is

1 defined as any period of time exceeding thirty days in which respondent is not engaging in any
2 activities defined in sections 2051 and 2052 of the Business and Professions Code. Periods of
3 temporary or permanent residence or practice outside California or of non-practice within
4 California, as defined in this condition, will not apply to the reduction of the probationary period.

5 8. **COMPLETION OF PROBATION.** Upon successful completion of
6 probation, which shall consist in successful completion of and compliance with all terms and
7 conditions of this disciplinary order, as determined by the Division, respondent's certificate shall
8 be fully restored.

9 9. **VIOLATION OF PROBATION.** If the Division finds that respondent
10 has violated probation in any respect, the Division may, in its discretion, revoke probation and
11 revoke respondent's license to practice medicine, certificate No. G-49571.

12 10. **PROBATION COSTS.** Respondent shall pay the costs associated with
13 probation monitoring in the amount of \$2,304. Such costs shall be payable to the Division of
14 Medical Quality and delivered to the designated probation surveillance monitor at the first
15 meeting of respondent with his probation surveillance monitor. Failure to pay costs within 30
16 days of the due date shall constitute a violation of probation.

17 11. **LICENSE SURRENDER.** Following the effective date of this decision,
18 if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
19 the terms and conditions of probation, respondent may voluntarily tender his certificate to the
20 Board. The Division reserves the right to evaluate the respondent's request and to exercise its
21 discretion whether to grant the request, or to take any other action deemed appropriate and
22 reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent
23 will no longer be subject to the terms and conditions of probation.

24 12. **FAILURE TO MEET TERMS & CONDITIONS.** Failure to meet the
25 terms and conditions of probation detailed above shall constitute grounds for immediate
26 suspension.

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Sent by: ATTY GENERALS OFF

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CONTINGENCY

This stipulation shall be subject to the approval of the Division. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by respondent or his counsel. If the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action in this matter by virtue of its consideration of this stipulation. After respondent executes this stipulation, he shall not be permitted to withdraw from it.

ACCEPTANCE

I have read the above Stipulated Settlement and Disciplinary Order. I fully understand the terms and conditions and other matters contained therein. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my certificate, and agree to be bound thereby. I enter this stipulation freely, knowingly and voluntarily.

DATED: 10/21/99

William A. Okerblom, M.D.
WILLIAM A. OKERBLOM, M.D.
Respondent

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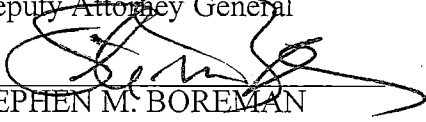
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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for the consideration of the Division of Medical Quality, Medical Board of California,
4 Department of Consumer Affairs.

5 DATED: OCT. 21, 1999

6 BILL LOCKYER, Attorney General
7 of the State of California
8 GAIL M. HEPPELL, Supervising
9 Deputy Attorney General

10 
STEPHEN M. BOREMAN
Deputy Attorney General

11 Attorneys for Complainant

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13 Exhibit: Accusation

14 I:\all\Boreman\Hwang stip.wpd
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EXHIBIT A

Attorneys for Complainant

In the Matter of the Accusation
Against:

WILLIAM A. OKERBLUM, M.D.,

2009 South Miller Street
Santa Maria, CA 93454

Physician and Surgeon's
Certificate No. G-49571.

Respondent.

PARTIES

2. On or about February 7, 1983, Physician and Surgeon's Certificate No. G-49571 was issued by the Board to respondent William A. Okerblom, M.D. (hereafter "respondent"). This certificate will expire unless renewed on June 30, 1999.

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On April 30, 1999 an Interim Suspension Order was issued by the Office of Administrative Hearings restricting respondent's practice, requiring that he attend weekly psychiatric sessions and subjecting respondent to bodily fluid testing at the discretion of the Board.

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereafter "Code"):

A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.

B. Section 2234 provides, in pertinent part, that the Board shall take action against any licensee who is charged with unprofessional conduct.

C. Code section 2234 (a), provides that unprofessional conduct includes, but is not limited to, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

D. Code section 2234 (e), provides that the commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions or duties of a physician and surgeon constitutes unprofessional conduct.

E. Code section 2239 (a), provides in part that the use or prescribing for or administering to himself of any controlled substance, or of a dangerous drug in such a manner as to be dangerous or injurious to the licensee, or to any other

1 person or the public, or to the extent that such use impairs the ability of the
2 licensee to practice medicine safely, constitutes unprofessional conduct.

3 F. Section 125.3 of the Code provides, in part, that the Board may
4 request the administrative law judge to direct any licentiate found to have
5 committed a violation or violations of the licensing act, to pay the Board a sum not
6 to exceed the reasonable costs of the investigation and enforcement of the case.

7 G. Code section 822 provides in relevant part that where the licensing
8 agency determines that a licensee's ability to practice his profession safely is
9 impaired because he is mentally ill, or physically ill affecting his competency, the
10 licensing agency may take action by revoking the licentiate's certificate or license,
11 suspending the licentiate's right to practice, placing the licentiate on probation, or
12 taking such other action as the licensing agency in its discretion deems proper.

13 H. Section 14124.12(a) of the Welfare and Institutions Code provides
14 in pertinent part that upon written notice of the Medical Board of California that a
15 physician and surgeon's medical license has been placed on probation as a result
16 of a disciplinary action, no Medi-Cal claim for the type of surgical service or
17 invasive procedure giving rise to the probationary order and performed on or after
18 the effective date of said probationary order or during the period of probation shall
19 be reimbursed, except upon a prior determination that compelling circumstances
20 warrant the continuance of reimbursement during the probationary period for
21 procedures other than those giving rise to the probationary order.

22 4. Respondent is guilty of unprofessional conduct within the meaning of
23 Code sections 2234 (a), 2234 (e), and 2239 (a), and his ability to practice medicine safely is
24 impaired due to mental illness within the meaning of Code section 822 as set forth in greater
25 detail herein below.

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1 **FIRST CAUSE FOR DISCIPLINE**
2 **(Unprofessional Conduct: Self Prescribing of Controlled or**
3 **Restricted Substances in Violation of the Act)**
4 **[Bus. & Prof. Code §§ 2234 and 2239 (a)]**

5 5. On or about the period from March to June of 1996, respondent
6 telephoned prescriptions for lithium in to a pharmacy in his mother-in-law's name (Florence
7 D [REDACTED]), and obtained the prescribed medication (lithium) for his own use. Respondent also used
8 anti-depressant medications obtained as medical samples in his office, without legitimate medical
9 authorization or supervision therefor.

10 6. Respondent's self use of dangerous drugs as set forth in paragraph 5, above,
11 constitutes unprofessional conduct within the meaning of sections 2234 and 2239 (a).

12 **SECOND CAUSE FOR DISCIPLINE**
13 **(Act Involving Dishonesty or Corruption)**
14 **[Bus. & Prof. Code § 2234 (e)]**

15 7. Complainant realleges paragraph 5, above, and incorporates it herein by
16 reference as if fully set forth at this point.

17 8. Respondent's conduct in obtaining dangerous drugs in the name of another
18 person for his own use, as set forth in paragraph 5, above, constitutes unprofessional conduct
19 within the meaning of Code section 2234 (e).

20 **FIRST CAUSE FOR PRACTICE RESTRICTIONS**
21 **(Ability To Practice Medicine Safely Impaired Due**
22 **to Mental Condition Affecting Competency)**
23 **[Bus. & Prof. Code § 822]**

24 9. On or about March 2, 1999 respondent was examined by Manuel Saint
25 Martin, M.D., J.D., a board-certified psychiatrist. Dr. Saint Martin found respondent to be
26 suffering from bipolar disorder, a mental condition rendering respondent unable to practice safely
27 without close psychiatric supervision. Dr. Saint Martin also found that Dr. Okerblom is not
 revealing his symptoms, is attempting to cover his pathology, has only limited insight into his
 condition, and will invariably lapse into mania, which will progress unchecked without
 intervention.

10. Respondent is unable to practice medicine safely and therefore is subject to restriction of his practice because he is mentally ill within the meaning of Code section 822.

PRAYER

WHEREFORE complainant requests that a hearing be held on the matters alleged herein and that, following the hearing, the Division issue a decision:

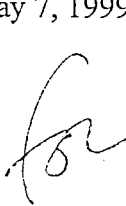

1. Revoking or suspending Physician and Surgeon's Certificate No. G-49571 heretofore issued to William A. Okerblom, M.D.;

2. Revoking, suspending or denying approval of respondent's authority to supervise physician assistants pursuant to Code section 3527;

3. Ordering respondent to pay the Division the actual and reasonable costs of the investigation and enforcement of this case and the costs of probation monitoring if probation is imposed; and

4. Taking such other and further action as the Division may deem necessary and proper.

DATED: May 7, 1999

Ronald Joseph
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant